

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MAIRA SEPULVEDA,

Case No.: 2:21-cv-01432-JAD-EJY

Petitioner

v.

Order Reopening Case

JERRY HOWELL, et al.,

[ECF No. 9]

Respondent

Habeas petitioner Maira Sepulveda has filed a letter asking for reconsideration of this court's order dismissing her petition based on the failure to pay the filing fee.¹ Sepulveda submitted a *pro se* petition for writ of habeas corpus under 28 U.S.C. § 2254² and applied to proceed *in forma pauperis*.³ This court found that Sepulveda was able to pay the full \$5.00 fee, so it denied her application to proceed *in forma pauperis* and ordered her to pay the \$5.00 fee by September 21, 2021.⁴ That deadline expired without payment of the filing fee, so this court dismissed this action without prejudice.⁵ Sepulveda previously moved for reconsideration of that dismissal order, indicating that she had "sent the \$5 filing fee" with her motion.⁶ Sepulveda attached an inmate account transactions request, which stated that she authorized inmate services

¹ ECF No. 9.

² ECF No. 1-1.

³ ECF No. 1.

⁴ ECF No. 3.

⁵ ECF No. 4.

⁶ ECF No. 6 at 1.

1 to charge her account \$5.00 in order to pay what appears to say “NDOC” on May 2, 2022.⁷ This
 2 court denied Sepulveda’s motion for reconsideration because she had not adequately requested
 3 that inmate services pay the appropriate entity.⁸

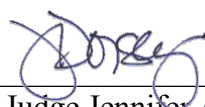
4 In her current letter, Sepulveda states that the former law librarian filled out her previous
 5 brass slips, sending her \$5.00 to the wrong entity.⁹ Sepulveda states that she has acted to rectify
 6 the situation.¹⁰ Indeed, Sepulveda included with her letter a new inmate account transaction
 7 request showing that she has authorized inmate services to charge her account \$5.00 and that
 8 payment be sent to the Clerk of the Court.¹¹ Because Sepulveda has acted to adequately comply
 9 with this court’s order requiring her to pay the \$5.00 filing fee, this case will be reopened and the
 10 dismissal order and judgment will be vacated.

11 IT IS THEREFORE ORDERED that

12 1. The Clerk of Court is instructed to **reopen this case, vacate the dismissal order**
 13 **(ECF No. 4), and vacate the judgment (ECF No. 5).**

14 2. **Sepulveda must pay the \$5.00 filing fee by September 2, 2022. Failure to do**
 15 **so will result in this action being dismissed again.**

16 Dated: July 19, 2022

17 
 18 U.S. District Judge Jennifer A. Dorsey
 19
 20

21 ⁷ *Id.* at 2.

22 ⁸ ECF No. 7.

23 ⁹ ECF No. 9 at 1.

¹⁰ *Id.*

¹¹ *Id.* at 2.